

Inventor: William D. Huse

Serial No.: 09/900,590

Filed: July 6, 2001

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Nevertheless, in order to be responsive to the Office Action, Applicant elects the claim of Group II, claims 85-92, directed to a method of making an enhanced antibody or functional fragment thereof. Applicant reserves the right to pursue prosecution of the non-elected claims in a later filed application claiming the benefit of priority of the above-identified Application.

Applicant traverses the Restriction Requirement with respect to the division of the claim of Group II from the claims of Group I. Applicant submits that, while the claims of Group II are patentably distinct from the claims of Group I, a thorough search of the elected claims of Group II will include art relevant to the claims of Groups I. Applicant submits that search and examination of both groups of claims does not pose a serious burden to the Examiner because a search of a method of making an enhanced antibody or functional fragment thereof will include a search of grafted antibodies as well as binding data reported on the grafted antibody. In particular, a thorough search with regard to a method of making an enhanced that includes the claimed step of measuring the association rate constant (k_{on}) for one or more variant antibodies necessarily will reveal art relevant to a grafted antibody having a specified k_{on} value and, therefore, encompass a search of the claimed grafted antibodies of Group I. Therefore, Applicant respectfully requests rejoinder of the claims of Groups II and I.

Therefore, Applicant submits that examination of Group I claims together with the invention of Group II would not pose a serious burden on the Examiner. Conversely, the division of claims 80-92 into separate groups would necessitate a duplicative effort by the U.S. Patent and Trademark Office and represent a noneconomical utilization of governmental resources. Because joint examination of claims 80-92 will not result in a serious burden on the Examiner, rejoinder of Group I with Group II is respectfully requested.

If rejoinder is denied for the restricted claims, Applicant respectfully requests a "second-eye review" as now implemented under the Restriction Practice Action Plan. Under the Action Plan, rejoinder practice is viewed favorably when examination of claims together would not pose a serious burden on the Examiner.

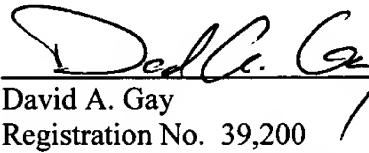
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CONCLUSION

In light of the amendments and remarks herein, Applicant submits that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned attorney if there are any questions.

Respectfully submitted,

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